Gye (1853), 2 El & Bl. 216; *Bowen* v. *Hall* (1881), 6 Q. B. Div. 333, 1 Eng. Rul. Cas. 706; *Walker* v. *Cronin* (1871), 107 Mass. 555; *Jones* v. *Stanley*, (1877), 76 N. C. 355. The principle upon which the English cases are based is that the damage sustained by one party plus the malicious intent of the other creates a cause of action; the basis of the Massachusetts and North Carolina cases seems to be, that a legal right founded upon contract and not arising from status, has been invaded. The later American cases are directly to the contrary and are based upon the rule laid down by Judge COOLEY in his work on Torts (2nd ed. p 417): "An action cannot in general be maintained for inducing a third person to break his contract with the plaintiff: the consequence, after all, being only a broken contract for which the party to the contract may have his remedy by suing upon it." This rule is followed in *Chambers* v. *Baldwin* (1891), 91 Ky. 121, 11 L. R. A. 545, 34 Am. St. Rep. 165; *Boyson* v. *Thorn* (1893), 98 Cal. 578, 21 L. R. A. 233; *Raycroft* v. *Tayntor* (1896), 68 Vt. 219, 33 L. R. A. 225, 54 Am. St. Rep. 882.

NATURALIZATION—JAPANESE—IMPEACHING JUDGMENT—ADMISSION OF ATTORNEYS.—The statute of Washington, relating to the admission of attorneys, provides that the applicant shall be a citizen of the United States. A native of Japan applied for admission and offered in evidence the record of a court of competent jurisdiction showing that he had been naturalized under the laws of the United States. The record showed upon its face that he was a native of Japan. The statute of the United States applies only to "aliens being free white persons and to aliens of African nativity and to persons of African descent." *Held*, that under this statute, Japanese cannot be naturalized, that the record was void on its face, and that the applicant was not eligible to admission to the bar. *In re Takuji Yamashita* (1902),—Wash.—, 70 Pac. Rep. 482.

The word "white" as used in this statute, said the court, includes only members of the Caucasian race, and natives of Japan have never been included in that race. "The courts, federal and state, have uniformly determined that Chinese are not eligible to naturalization, because not white persons. In 1880, it was determined that a native of British Columbia, half Indian and half white, could not be naturalized. *In re Camille*, 6 Fed. 256. In *In re Po*, 28 N. Y. Supp. 383, a native of British Burmah was denied admission. In *In re Kanaka Nian*, a Hawaiian was denied naturalization. 6 Utah, 659, 21 Pac. 993, 4 L. R. A. 726. In *In re Saito*, 62 Fed. 126, the federal circuit court adjudged that a native of Japan was of the Mongolian race, and therefore not eligible to naturalization." The case of *In re Rodriguez*, 81 Fed. Rep. 337, wherein a native of Mexico was naturalized was held to be distinguishable.

PARENT AND CHILD—DELEGATION OF PARENT'S AUTHORITY—LIABILITY FOR CORPORAL PUNISHMENT.—Action was brought by a child eight years old to recover of the defendant, who was his aunt, damages for corporal punishment administered by her. The mother, who was by statute equally entitled to the care and custody of the child with the father, had delegated her authority to the aunt. *Held*, that the mother had authority to delegate the power to administer moderate corporal punishment. *Rowe* v. *Rugg* (1902), —Iowa —, 91 N. W. Rep. 903.

As this case was decided on the merits, the jury having found the punishment to have been moderate, no inquiry was made as to the right of a child to bring a civil action for damages against its parent. From the decisions in *Faulk* v. *Faulk* (1859), 23 Tex. 653, and *Bird* v. *Black* (1850), 5 La. Ann 189, it would seem that such an action might be brought, although in both

cases property rights were involved; but in 1891 the supreme court of Mississippi, in *Hewlett* v. *George*, 68 Miss. 703, denied the right of an infant to maintain such an action. In *Harris* v. *State* (1902), —Ga. —, 41 S. E. Rep. 983, it was held that a mother has the right to authorize another in her presence to chastise her child, and if he do so in a proper manner he is not guilty of an assault. Parental authority is said to be a semi-judicial power, in the exercise of which parents are liable criminally only for its manifest abuse, but opposed to this generally prevailing rule is the case of *State* v. *Jones* (1886), 95 N. C. 588, in which even criminal liability for the chastisement of a child, however severe, if without malice, is denied. It would seem that in case of delegation of parental authority to another, whether to a teacher, or to a stranger for the sake of discipline, the same rule as to liability would apply as in the case of parents, namely, a parent is liable criminally for the immoderate punishment of a child, but the parent's civil liability to the child remains practically undecided.

PATENTS—INVENTION—USE OF NEW MATERIALS.—The complainant having discovered that carbons might be used to advantage in place of wire brushes in the electric dynamo, made the substitution and used the carbons for two years without claiming a patent. The defendant almost contemporaneously made the same discovery. Complainant obtained a patent and brought suit against the defendant for infringement. *Held*, that the injunction must be denied. *Thompson-Houston Elec. Co.* v. *Lorain Steel Co.* (1902), — C. C. A. —, 117 Fed. Rep. 249.

The court held that the use by two independent investigators for so long a period before seeking a patent raises the presumption that the substitution of carbons for copper was rightly regarded by the workers as a mere improvement or choice of materials and not an invention. The substitution of one material for another which does not involve a change of method or develop novelty of use, even though it result in a superior article is not necessarily a patentable invention. *Gates Iron Works* v. *Fraser*, 153 U. S. 332 38 L. ed. 734, 14 Sup. Ct. 883. The mere improvement of old ideas by substitution of newer and better materials does not involve invention which will sustain a patent. *Plastic Fireproof Const. Co.* v. *City and County of San Francisco*, 97 Fed. Rep. 620. The delay alone shown in the principal case would not probably be held to constitute an abandonment. *United States Electric Lighting Co.* v. *Consol. Elect. Co.*, 33 Fed. Rep. 869.

PLEADING—AMENDMENTS UNDER CODE—CAUSE OF ACTION.—Plaintiff corporation in its complaint set up a *legal* title to certain land through a deed of conveyance. After a decision of the lower court in the plaintiff's favor had been reversed, and the cause been remanded, plaintiff filed an amended complaint setting up an *equitable* title through several of its incorporators who had accepted conveyances of the property, in trust for the corporation thereafter to be formed. *Held*, that the amended complaint did not set up a new cause of action. *McCandless* v. *Inland Acid Co.* (1902),—Ga. —, 42 S. E. Rep. 449.

The reasoning of the court is that the plaintiff's cause of action consisted (1) of his right to possession and (2) of the defendant's wrong in withholding from the plaintiff that which is rightfully his, and that anything which tends to show ownership is a part of the plaintiff's cause of action. POMEROY CODE REMEDIES, § 452-454; *Oliver* v. *Powell*, 114 Ga. 572, 40 S. E. 826; *Frost* v. *Witter*, 132 Cal. 421, 64 Pac. 705. Authorities are not, however, in accord as to permitting the change from legal to equitable cause of action by amend-